IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

SUNDAY, THE 21ST NOVEMBER 2004 / 30TH KARTHIKA 1926

MACA.No. 65 of 2004

OPMV.512/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KALPETTA
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APPELLANT/3RD RESPONDENT:

NATIONAL INSURANCE COMPANY LTD.,
BRANCH OFFICE, 1631/IB, FIRST FLOOR,
SELAM, BHAVANI MAIN ROAD,
SANKARI POST, TAMILNADU-637 301.

BY ADV. SRI.RAJAN P.KALIYATH

RESPONDENTS: CLAIMANT AND RESPONDENTS 1,4,5 and 6:
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1. REJINOLD MATHEW, S/O. A.R. MATHEW,
ALAPPATT HOUSE, MEPPADY POST, KOTTAPPADY AMSOM
AND DESOM, VYTHIRI TALUK, WAYANAD DISTRICT.
2. R. PREMAVATHY, W/O. SHANMUGHAN,
PALANAISWAMY COUNHDERTHOTTAM, SANKARI POST,
TAMIL NADU.
3. T.M. SINGARAVEL, VICE PRESIDENT,
M/S. BINNY LTD., 13, 1 CANAL CORSS ROAD,
GANDHI NAGAR, ADAYAR, MADRAS, TAMIL NADU.
4. WILSON C.P., S/O. POULOSE,
CHATTOLI HOUSE, CHALAKUDY POST, KERALA.
5. UNITED INDIA INSURANCE COMPANY LTD.,
14, WHITE ROAD, MADRAS.

R1 BY ADV. SRI.R.SURENDRAN
R4 BY ADV. SRI.SHEEJO CHACKO
ADV. SRI.M.N.MANOJ

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR,JJ.

M.A.C.A. No 65 of 2004

Dated: 21st November 2007

JUDGMENT

Radhakrishnan, J.

Insurance Company is the appellant. Accident is not disputed; so also the insurance coverage. The only contention raised by the counsel for the Insurance Company is that the Tribunal has committed an error in taking the monthly income of the injured as Rs 7,000/- in the absence of any acceptable evidence. No oral evidence was adduced by the claimant. We notice that the Tribunal has not calculated permanently disability as such. For loss of earning power, loss of expectation of life, shortened expectation of life, continuing or permanent disability and for loss of earning power a consolidated amount of Rs 40,000/- was awarded, which in the facts and circumstances of the case is reasonable. On all other heads, reasonable amount has been awarded. All the same, interest at the rate of 9% awarded by the Tribunal is on the higher side. We are therefore inclined to order that the amount awarded by the Tribunal would carry interest at their ate of 7.5% from the date of petition till date of payment. Insurance

Company is directed to deposit the amount within a period of two months from today. It is open to the claimant to approach the Tribunal for releasing the amount in the event of which Tribunal would pass appropriate orders. The appeal is disposed of as above.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
T.R.RAMACHANDRAN NAIR
Judge

21/11/2007
en

[true copy]